

STATEMENT OF PURPOSE

RS23313

Current law requires those employed, or otherwise engaged in, certain sensitive positions to undergo criminal background checks. These positions include certain child care workers, teachers, foster parents, guardians, conservators, realtors and lenders. The background check process involves submitting fingerprints to the Idaho State Police (ISP) who in turn submits them to the FBI. The FBI does the criminal background check and returns a report to ISP stating whether the person's criminal background, if any, disqualifies him or her from the position. ISP passes that report along to the employer or other supervising entity. Once a criminal background check is completed, the fingerprints are deleted from ISP and FBI records. Should the person have a subsequent criminal problem, his or her lack of fitness to continue in the position will only become known to the employing or supervising entity through an additional criminal background check. This can create lengthy gaps in keeping employers and other supervising entities informed about criminal problems arising after a criminal background check.

The Rap Back program corrects this problem by allowing employers and other supervising entities to learn of criminal problems automatically as they occur once a criminal background check has been administered. This is accomplished by keeping the fingerprints in the ISP and FBI records. That way, if an individual develops a criminal record after a criminal background check, that record will be automatically matched to his or her fingerprints resulting in an FBI report to ISP, and ISP's report to the individual's employing or supervising entity.

This bill will provide ISP express legislative authority to participate in, and carry out, the Rap Back program pursuant to administrative rules to be adopted by ISP.

FISCAL NOTE

There is no fiscal impact to the state budget. Enhancements to ISP's criminal background check system in order to implement the Rap Back program will be paid for by a federal grant. Rap Back could provide significant potential savings by eliminating the need for repeat background checks.

Contact:

Senator Grant Burgoyne
(208) 332-1000